



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/675,711

09/30/2003

Henry J. Straub

702.253

6333

7590

02/17/2005

Devon A. Rolf
GARMIN INTERNATIONAL, INC.
1200 East 151st Street
Olathe, KS 66062

EXAMINER

NGUYEN, PHUNG

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

K

Office Action Summary	Application No. 10/675,711	Applicant(s) STRAUB ET AL.	
	Examiner Phung T Nguyen	Art Unit 2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-14,16-28,30-36 and 38-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-14,16-28,30-36 and 38-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-4, 8-13, 16-22, 25-27, 30-33, 36, 38, 39, 41, and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith (U. S. Pat. 6,603,405).

Regarding claim 1: Smith discloses vehicle-centric weather prediction system and method which comprises receiving one or more weather signals on at least a first channel of the navigation device, where the one or more weather signals include location information; determining one or more positions using a navigation device; comparing the one or more positions with the location information; generating a weather alert in the navigation device based on comparing the one or more positions with the location information; performing a routing algorithm to calculate a route, where the route includes one or more waypoints; comparing the one or more waypoints with the location information of the one or more weather signals; and generating the weather alert based on comparing the one or more waypoints of the route with the

Art Unit: 2632

location information (figures 1 and 2, col. 3, lines 49-60, col. 4, lines 15-26, and col. 7, lines 45-57).

Regarding claim 2: Smith discloses wherein determining the one or more positions further includes determining the positions from a global positioning system (GPS) enabled navigation device (col. 4, lines 39-44).

Regarding claim 3: Smith discloses wherein receiving one or more weather signals on at least the first channel of the navigation device includes receiving a Specific Area Message Encoding signal that includes the location information (col. 4, lines 15-26).

Regarding claim 4: Smith discloses wherein the method further includes receiving and transmitting one or more voice data signals (col. 8, lines 35-46).

Regarding claim 8: Smith discloses wherein, upon generating the weather alert, the method further includes; selecting one or more waypoints; determining a present location based on a signal from a global positioning system (GPS); and performing the routing algorithm to calculate the route between the present position and the selected waypoints (col. 8, lines 16-27).

Regarding claim 9: Smith discloses wherein selecting one or more waypoints includes selecting one or more destination points (col. 8, lines 13-20).

Regarding claim 10: Smith discloses recording a track log; determining a heading based on the track log; comparing the heading with the location information of the one or more weather signals; and generating the weather alert in the navigation device based on comparing the heading with the location information (col. 3, lines 38-48).

Regarding claim 11: All the claimed subject matter is already discussed in respect to claims 1 and 10 above.

Art Unit: 2632

Regarding claim 12: Refer to claim 3 above.

Regarding claim 13: Refer to claim 4 above.

Regarding claim 16: Refer to claim 8 above.

Regarding claim 17: Refer to claim 9 above.

Regarding claim 18: All the claimed subject matter is already discussed in respect to claim 1 above.

Regarding claim 19: Smith discloses selecting one or more waypoints for the route, and wherein performing the routing algorithm includes incorporating the one or more waypoints into the route (col. 8, lines 17-31).

Regarding claim 20: Refer to claim 3 above.

Regarding claim 21: Refer to claim 8 above.

Regarding claim 22: Refer to claim 4 above.

Regarding claim 25: All the claimed subject matter is already discussed in respect to claim 1 above.

Regarding claim 26: Refer to claim 2 above.

Regarding claim 27: Refer to claim 3 above.

Regarding claim 30: Refer to claim 8 above.

Regarding claim 31: Refer to claim 10 above.

Regarding claim 32: Smith inherently discloses a processor; a memory operably coupled to the processor a global positioning system (GPS) receiver operably coupled to the processor and the memory for determining a position of the navigation device; and a weather receiver operably coupled to the processor for receiving one or more weather signals, where the one or

Art Unit: 2632

more weather signals include a location information, wherein the processor is operable to compare the location information of the one or more weather signals with the position of the navigation device, and operable to generate a signal for a weather alert based on a result of the comparison; wherein the memory includes cartographic data including a number of waypoints, wherein the processor is operable to perform a routing algorithm to calculate a route between at least two of the number of waypoints, and wherein the processor is operable to compare the one or more waypoints of the route with the location information of the one or more weather signals, and generate an alert for a weather alert based on the comparison (figures 1 and 2, col. 3, lines 49-60, col. 4, lines 15-58, and col. 7, lines 45-57).

Regarding claim 33: Smith teaches a transceiver operably coupled to the processor to wirelessly transmit and receive voice data signals with an electronic device (col. 3, lines 49-57).

Regarding claim 36: Refer to claim 3 above.

Regarding claim 38: Smith discloses at least one input operably coupled to the processor and capable of receiving data on a selected position, wherein upon generating the weather alert, the processor receives data on the selected position through the at least one input, the GPS receiver determines a present position, and the processor operates on the routing algorithm to plot the route between the present position and the selected position (col. 4, lines 51-58, and col. 8, lines 15-19).

Regarding claim 39: Smith discloses wherein the processor operates on a track log algorithm to record a track log based on the position of the navigation device, and the processor operates on a heading algorithm to determine a heading based on the track log, where processor operates on the comparison algorithm to compare the heading with the location information of

Art Unit: 2632

the one or more weather signals, and generates the signal for the weather alert based on the result of the comparison (col. 3, lines 38-48, and col. 4, lines 51-58).

Regarding claim 41: Smith discloses an audio output device operable to audibly present the weather alert (col. 5, lines 7-10).

Regarding claim 42: Smith discloses receiving in a navigation device indication from a user of a destination; determining in the navigation device a starting point; determining in the navigation device at least one heading from the starting point to the destination; receiving in the navigation device one or more weather signals, wherein the weather signals include location information relating to adverse weather conditions; and generating in the navigation device a weather alert if any of the adverse weather conditions are expected to be encountered along the heading from the starting point to the destination (figures 1 and 2, col. 3, lines 49-60, col. 4, lines 15-26, and col. 7, lines 45-57).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 14, 23, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (U.S. Pat. 6,603,405).

Regarding claim 5: Smith teaches receiving and transmitting the one or more voice data signals on radio communications but do not specifically teach receiving and transmitting the one

Art Unit: 2632

or more voice data signals on a Family Radio Service frequency as claimed. Since Smith teaches communication links are standard lines, it would be obvious to the skilled artisan to recognize that the system of Smith also includes a Family Radio Service frequency in order to transmit/receive the one or more voice data signals.

Regarding claim 14: Refer to claim 5 above.

Regarding claim 23: Refer to claim 5 above.

Regarding claim 34: Refer to claim 5 above.

6. Claims 6, 24, 28, 35, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Tate (U.S. Pat. 6,509,833).

Regarding claim 6: Smith does not disclose interrupting the receiving and transmitting of the one or more voice data signals of the navigation device with the weather alert. However, interrupting the receiving and transmitting of the one or more voice data signals of the device with the warning announcement is old and known in the art as taught by Tate (col. 10, lines 9-14). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teaching of Tate in the system of Smith because they both teach an emergency warning system. Tate's teaching of interrupting the receiving and transmitting of the one or more voice data signals of the device with the warning announcement would enhance the system of Smith by allowing the selected subscriber to immediately receive the warning alert from emergency notification provider.

Regarding claim 24: Refer to claim 6 above.

Regarding claim 28: Refer to claim 6 above.

Art Unit: 2632

Regarding claim 35: Refer to claim 6 above.

Regarding claim 40: Tate discloses a display operable to graphically present the weather alert (col. 7, lines 54-59).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung T Nguyen whose telephone number is 571-272-2968. The examiner can normally be reached on 8:00am-5:30pm Mon thru. Friday, with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 571-272-2964. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Phung Nguyen



Date: February 15, 2005